

108TH CONGRESS  
1ST SESSION

# S. 1818

To provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agency are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 2003

Mr. GRAHAM of South Carolina introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agency are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Law Enforcement Offi-  
5       cers Due Process Act of 2003”.

1 **SEC. 2. PROTECTION FOR LAW ENFORCEMENT OFFICERS.**

2 (a) PROGRAM AUTHORIZED.—The Attorney General  
3 is authorized to provide grants to law enforcement agen-  
4 cies that are eligible under subsection (b).

5 (b) ELIGIBILITY.—To be eligible to receive a grant  
6 under this section, a law enforcement agency shall—

7 (1) have in effect an administrative process that  
8 complies with the requirements of subsection (c); or

9 (2) certify that it will establish, not later than  
10 2 years after the date of enactment of this Act, an  
11 administrative process that complies with the re-  
12 quirements of subsection (c).

13 (c) OFFICER RIGHTS.—The administrative process  
14 referred to in subsection (b) shall require that a law en-  
15 forcement agency that investigates a law enforcement offi-  
16 cer for matters which could reasonably lead to disciplinary  
17 action against such officer, including dismissal, demotion,  
18 suspension, or transfer provide recourse for the officer  
19 that, at a minimum, includes the following:

20 (1) ACCESS TO ADMINISTRATIVE PROCESS.—

21 The agency has written procedures to ensure that  
22 any law enforcement officer is afforded access to any  
23 existing administrative process established by the  
24 employing agency prior to the imposition of any such  
25 disciplinary action against the officer.

1           (2) SPECIFIC PROCEDURES.—The procedures  
2       used under paragraph (1) include, the right of a law  
3       enforcement officer under investigation—

4           (A) to a hearing before a fair and impar-  
5       tial board or hearing officer;

6           (B) to be represented by an attorney or  
7       other officer at the expense of such officer;

8           (C) to confront any witness testifying  
9       against such officer; and

10          (D) to record all meetings in which such  
11       officer attends.

12       (d) IMMEDIATE SUSPENSION.—Nothing in this sec-  
13       tion shall prevent the immediate suspension with pay of  
14       a law enforcement officer—

15           (1) whose continued presence on the job is con-  
16       sidered to be a substantial and immediate threat to  
17       the welfare of the law enforcement agency or the  
18       public;

19           (2) who refuses to obey a direct order issued in  
20       conformance with the agency's written and dissemi-  
21       nated rules and regulations; or

22           (3) who is accused of committing an illegal act.

23       (e) DISTRIBUTION OF FUNDS.—From the amount  
24       made available to carry out this section, the Attorney Gen-  
25       eral shall allocate—

1           (1) 50 percent for law enforcement agencies  
 2           that are eligible under paragraph (1) of subsection  
 3           (b); and

4           (2) 50 percent for law enforcement agencies  
 5           that are eligible under paragraph (2) of subsection  
 6           (b).

7           (f) REGULATIONS.—The Attorney General may pre-  
 8           scribe such regulations as may be necessary to carry out  
 9           this section.

10          (g) DEFINITIONS.—For purposes of this section—

11           (1) the term “law enforcement agency” means  
 12           any State or unit of local government within the  
 13           State that employs law enforcement officers; and

14           (2) the term “law enforcement officer” means  
 15           an officer with the powers of arrest as defined by  
 16           the laws of each State and required to be certified  
 17           under the laws of such State.

18          (h) AUTHORIZATION OF APPROPRIATIONS.—There  
 19           are authorized to be appropriated to carry out this section  
 20           \$10,000,000 for fiscal year 2004 and such sums as may  
 21           be necessary for each of the 4 succeeding fiscal years.

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